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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,703	12/12/2006	Masahiro Saito	81887.0145	3181
260/21	7590	11/26/2008	EXAMINER	
HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			DEAN, JR, JOSEPH E	
ART UNIT		PAPER NUMBER		
4154				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,703	<b>Applicant(s)</b> SAITO, MASAHIRO
	<b>Examiner</b> JOSEPH DEAN, JR	<b>Art Unit</b> 4154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 01 December 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 December 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-166/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (US20050119001).

Per claim 1, Watanabe discloses a mobile communication terminal comprising:  
a plurality of communication interfaces (Abstract);  
a communication interface selecting section which selects a communication interface for transmitting data from the plurality of communication interfaces (Fig. 7; Abstract; paragraph 0065);  
a terminal identification address assigning section which assigns a terminal identification address for identifying the mobile communication terminal to the data (paragraph 0059, Fig 4);  
a communication interface identification address assigning section which assigns a communication interface identification address for identifying the selected communication interface to the data (paragraph 0059, Fig 4); and

a transmitting section which transmits the data being assigned with the two kinds of addresses via the selected communication interface (paragraph 0006, 0047).

Per claim 2, Watanabe discloses the mobile communication terminal according to claim 1, further comprising: a radio wave monitoring section which monitors a status of radio wave reception at a current location (paragraph 0047), wherein the communication interface selecting section selects the communication interface in accordance with the monitored status of the radio wave reception (paragraph 0020 i.e. collect managerial data)

Per claim 3, Watanabe discloses a mobile communication managing apparatus comprising:

a mobile communication terminal side receiving section which receives data that is assigned with two kinds of addresses including a mobile communication terminal identification address for identifying a mobile communication terminal and a communication interface identification address for identifying a communication interface of the mobile communication terminal (paragraphs 0015, 0059);

an address storing section which stores an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other (Abstract; paragraph 0059, 0061 and 0062);

a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination( paragraph 0005, 0007 and 0048);

a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address (paragraph 0059, 0064);

a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication apparatus side receiving section based on the address table (paragraph 0007, 0047, 0059 and 0060); and

a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface (paragraph 0047 and 0048, Fig 3).

Per claim 4, Watanabe discloses a mobile communication system comprising:

a mobile communication terminal including:

a plurality of communication interfaces (Abstract);

a communication interface selecting section which selects a communication interface for transmitting data from the plurality of communication interfaces (Fig. 7; paragraph 0018, 0019, 0020, and 0065);

a mobile communication terminal identification address assigning section which assigns a mobile communication terminal identification address for identifying the mobile communication terminal to data (paragraph 0059);

a communication interface identification address assigning section which assigns a communication interface identification address for identifying the selected communication interface to the data (paragraph 0059); and

a transmitting section which transmits the data being assigned with the two kinds of addresses via the selected communication interface (Fig. 7; paragraph 0006 and 0047); and

a mobile communication managing apparatus including:

a mobile communication terminal side receiving section which receives the data from the mobile communication terminal (Abstract; paragraph 0065);

an address storing section which stores an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other (Abstract; paragraph 0061);

a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination (paragraph 0005 and 0075);

a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address (paragraph 0064);

a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication

apparatus side receiving section based on the address table (paragraph 0007, 0047, 0059 and 0060); and

a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface (Abstract; paragraph 0047 and 0048).

Per claim 5, Watanabe discloses the mobile communication system according to claim 4, wherein the mobile communication terminal includes a switching informing section which transmits a switch information signal (**paragraph 0047, i.e. exceeds threshold value**) to the mobile communication managing apparatus when the communication interface selecting section selects another communication interface from the plurality of communication interfaces, the switch information signal being assigned with the mobile communication terminal identification address and a communication interface identification address corresponding to the communication interface to be newly selected (paragraph 0084, 0085 and 0086) the mobile communication managing apparatus includes a switching signal receiving section which receives the switch information signal (paragraph 0085), and the address storing section stores the address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the switch information signal are associated with each other (paragraph 0088).

Per claim 6, Watanabe discloses a computer readable medium storing a program of instruction executable by a computer to perform a function for a mobile communication terminal, the function comprising the steps of: selecting a

communication interface for transmitting data (paragraphs 0018, 0019, 0020, 0065); assigning a terminal identification address for identifying the mobile communication terminal to the data (paragraphs 0015, 0059); assigning a communication interface identification address for identifying the selected communication interface to the data (paragraph 0059, Fig 4); and transmitting the data being assigned with the two kinds of addresses via the selected communication interface (paragraph 0020).

Per claim 7, Watanabe discloses a computer readable medium storing a program of instruction executable by a computer to perform a function for mobile communication management, the function comprising the steps of: receiving data that is assigned with two kinds of addresses including a mobile communication terminal identification address for identifying a mobile communication terminal and a communication interface identification address for identifying a communication interface of the mobile communication terminal from the mobile communication terminal (Abstract; paragraph 0015); storing an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other (Abstract; paragraphs 0061 and 0062); transmitting the received data to a certain destination (paragraph 0005 and 0075); receiving data assigned with a mobile communication terminal identification address from a communication apparatus (paragraph 0064); detecting a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received from the communication apparatus based on the address table (paragraph 0007 and 0047); and transmitting the

data received from the communication apparatus via the detected communication interface (paragraph 0047 and 0048, Fig 3).

Per claim 8, Watanabe discloses a mobile communication method comprising: selecting a communication interface (Abstract; paragraphs 0018, 0019, and 0065); assigning a terminal identification address for identifying a mobile communication terminal to data (paragraph 0059, Fig 4); assigning a communication interface identification address for identifying the selected communication interface to the data (paragraph 0059, Fig 4); storing an address table in which the assigned terminal identification address and the assigned communication interface identification address are associated with each other (Abstract; paragraphs 0061 and 0062); and transmitting the data being assigned with the two kinds of addresses to a certain destination (paragraph 0005 and 0075).

Per claim 9, Watanabe discloses the mobile communication method according to claim 8, further comprising: receiving data being assigned with the terminal identification address (paragraph 0015); detecting the communication interface identification address that corresponds to the terminal identification address for identifying the mobile communication terminal based on the address table (paragraph 0007 and 0047); and transmitting the received data via the detected communication interface (paragraph 0047 and 0048, Fig 3).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEAN, JR whose telephone number is

(571)270-7116. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU Le can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOSEPH DEAN, JR/  
Examiner, Art Unit 4154

/Vu Le/  
Supervisory Patent Examiner, Art Unit 4154